

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,	)	CASE NO. CR09-0084-MJP
	)	
Plaintiff,	)	
	)	
v.	)	
	)	DETENTION ORDER
DONATA BAYADOVSKIY,	)	
	)	
Defendant.	)	
_____	)	

Offense charged: Conspiracy to Commit Bank, Mail and Wire Fraud; Bank Fraud; Mail Fraud; Wire Fraud; False Statement on Loan Application; Monetary Transactions Using Criminally Derived Property; Forfeiture Allegations

Date of Detention Hearing: April 14, 2009

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

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01 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

02 (1) Defendant is charged in a forty count Indictment, together with eight co-  
03 conspirators, with the above-listed offenses. The Indictment describes the means and manner of  
04 the conspiracy as an agreement to induce “straw buyers”, and other persons who were otherwise  
05 unqualified to obtain financing in order to apply for mortgage loans to purchase properties  
06 selected by the defendants. By allegedly failing to disclose the true financing arrangements  
07 underlying the purchase transactions and by making false and fraudulent representations, lending  
08 institutions extended financing, which the defendants diverted to a significant extent to their  
09 personal benefit. The government alleges that the defendants undertook efforts to hide the  
10 conspiracy and the acts committed in furtherance thereof. The government contends that tens of  
11 millions, and perhaps hundreds of millions, of dollars in loan proceeds were fraudulently  
12 obtained, a significant portion of which has not been recovered. The government contends that  
13 this defendant was a main participant in the conspiracy, that the loss figure (for purposes of the  
14 Sentencing Guidelines) is “astronomical”, which will result, if convicted, in a high guidelines  
15 range and the likelihood of a lengthy prison term.

16 (2) The defendant, a naturalized U.S. citizen with dual Israeli citizenship and an  
17 Israeli passport, was born in Azerbaijan. She married Vladislav Baydovskiy, a co-defendant, in  
18 Israel in 2003 and relocated to the United States. She has traveled to Israel since relocating to  
19 this country, and her parents are permanent residents of Israel where her sister also resides. Her  
20 parents have custody of her youngest child and are seeking temporary custody of her older child.

21 (3) The government proffers documents that are purported to show that the fraud  
22 activity has not stopped and that the defendant has continued to conduct escrow business. The

01 government's exhibit suggests that the defendant has an address in Oregon not previously  
02 disclosed to pretrial services.

03 (4) The defendant poses a risk of danger due to a history of foreign travel, a strong  
04 connection to another country, possible discrepant information about addresses the defendant is  
05 using, and the lack of verification of financial information, including the contention that a very  
06 significant portion of the proceeds of the alleged fraud have not been located or recovered. The  
07 defendant poses a risk of financial danger due to the nature of the instant allegations, the  
08 defendant's alleged role, and the sophisticated and extensive nature of the alleged scheme.

09 (5) There does not appear to be any condition or combination of conditions that will  
10 reasonably assure the defendant's appearance at future Court hearings while addressing the  
11 danger to other persons or the community.

12 It is therefore ORDERED:

13 (1) Defendant shall be detained pending trial and committed to the custody of the  
14 Attorney General for confinement in a correction facility separate, to the extent  
15 practicable, from persons awaiting or serving sentences or being held in custody  
16 pending appeal;

17 (2) Defendant shall be afforded reasonable opportunity for private consultation with  
18 counsel;

19 (3) On order of a court of the United States or on request of an attorney for the  
20 Government, the person in charge of the corrections facility in which defendant  
21 is confined shall deliver the defendant to a United States Marshal for the purpose  
22 of an appearance in connection with a court proceeding; and

01 (4) The clerk shall direct copies of this Order to counsel for the United States, to  
02 counsel for the defendant, to the United States Marshal, and to the United States  
03 Pretrial Services Officer.

04 DATED this 14th day of April, 2009.

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06 Mary Alice Theiler  
07 United States Magistrate Judge  
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